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CrI.OP.No.24462 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

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THE HON'BLE MR. JUSTICE **SATHI KUMAR SUKUMARA KURUP**

CrI.OP.No.24462 of 2022

Govindaraj

...Petitioner

Vs.

State represented by
The Inspector of Police,
Vigilance and Anti-Corruption,
Ariyalur.
(Crime No.01 of 2022)

..Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the Petitioner on bail in connection with Crime No.01 of 2022 on the file of the Respondent Police.

For Petitioner :Mr.R.Sathiyaraj

For Respondent :Mr.S.Raja Kumar,
Additional Public Prosecutor

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 13.08.2022 for the offences punishable under Section 7 of the



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Prevention of Corruption Act 1988(as amended in 2018) in crime No.01 of 2022 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution is that the Petitioner along with other accused had demanded a sum of Rs.50,000/- as a bribe to transfer the patta in the name of the defacto complainant's father. Both the accused had earlier received Rs.10,000/- and on 12.08.2022, they had received 20,000/- from the defacto complainant for doing their official duty. Hence, the complaint.

3. The learned Counsel appearing for the Petitioner would submit that he is an innocent person and he was no way connected with the alleged offence. He would further submit that he has no power to change name in the computer Chitta and the alleged bribe amount was also not recovered from the Petitioner. Hence, he prays for grant of bail to the Petitioner.



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4.The learned Additional Public Prosecutor appearing for the Respondent would submit that the Petitioner along with other accused had demanded a sum of Rs.50,000/- as a bribe to transfer the patta in the name of the defacto complainant's father. Both the accused had earlier received Rs.10,000/- and on 12.08.2022, they had received 20,000/- from the defacto complainant for doing their official duty and were caught red handed by the trap team. He would further submit that the bail application of the Petitioner was dismissed by the trial Court on 05.09.2022 and hence, he vehemently opposed for grant of bail to the Petitioner.

5. Considering the submission made by the learned Counsel for the Petitioner and vehement objections made by the learned Additional Public Prosecutor for the Respondent, this Court is inclined to grant bail to the Petitioner.

6. Accordingly, the Petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand



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only) with two sureties for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Ariyalur. Further, one of the sureties shall be a blood relative.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate, Ariyalur, obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioner shall report before the Respondent Police daily at 10.00 a.m., until further orders.

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Chief Judicial Magistrate/Trial



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Court.

(f) the learned Chief Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Chief Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

06.10.2022

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To

1. The Chief Judicial Magistrate, Ariyalur.

2. The Inspector of Police,
Vigilance and Anti-Corruption,
Ariyalur.

3. The Central Prison, Trichy.

4. The Public Prosecutor,
High Court of Madras

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SATHI KUMAR SUKUMARA KURUP., J.

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